

UNITED STATES DISTRICT COURT

for the

Eastern District of California

FILED

Apr 03, 2023

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

United States of America

v.

Branden Lamont JOHNSON,

and

Brian Keith JOHNSON

Case No. 2:23-mj-0053 KJN

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 4, 2023 in the county of San Joaquin in the
Eastern District of California, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 922(g)(1)

Felon in Possession of a Firearm

This criminal complaint is based on these facts:

See Attached Affidavit of Pat High, Task Force Officer (TFO), Bureau of Alcohol, Tobacco, Firearms, and Explosives

☒ Continued on the attached sheet.

/s/

Complainant's signature

Pat High, ATF TFO

Printed name and title

Sworn to before me and signed telephonically.

Date: 04/03/23

Kendall J. Newman

Judge's signature

City and state: Sacramento, California

Kendall J. Newman, U.S. Magistrate Judge

Printed name and title

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Felon in Possession of a Firearm

This criminal complaint is based on these facts:

See Attached Affidavit of Pat High, Task Force Officer (TFO), Bureau of Alcohol, Tobacco, Firearms, and Explosives

☒ Continued on the attached sheet.

Patrick A. High

Complainant's signature

Pat High, ATF TFO

Printed name and title

Sworn to before me and signed telephonically.

Date: 04/02/2023 1358

Kendall J. Newman

Judge's signature

City and state: Sacramento, California

Kendall J. Newman, U.S. Magistrate Judge

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I. AFFIDAVIT IN SUPPORT OF APPLICATION FOR ARREST WARRANT

I, Patrick High, Task Force Officer, Bureau of Alcohol, Tobacco, Firearms and Explosives, being duly sworn, state:

II. INTRODUCTION

1. I submit this affidavit in support of a criminal complaint charging Branden Lamont JOHNSON and Brian Keith JOHNSON, each with being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1).

2. The facts in this affidavit come from my personal observations, my training and experience, information from records and databases, and information obtained from other agents, law enforcement agencies, and witnesses. This affidavit does not set forth all my knowledge about this matter; it is intended to only show that there is sufficient probable cause for the requested warrant.

III. AFFIANT BACKGROUND

3. I am a Detective with City of Stockton Police Department. I have been a sworn law enforcement officer in California since December of 2007. In May of 2020, I was cross designated as a Task Force Officer (TFO) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), San Francisco Division, Stockton Field Office. During my assignment with the ATF, I have participated in training and investigations related to the possession and manufacture of firearms in violation of Titles 18 and 26 of the United States Code as well as the possession and distribution of controlled substances in violation of Title 21 of the United States Code.

4. Prior to my current position as a Task Force Officer with the ATF, I was several investigative assignments, including the homicide unit, narcotics unit, uniformed gang unit, United States Marshals Service, and the Stockton Police covert surveillance unit. I have received hundreds of hours of formal training with the Stockton Police Department, including the P.O.S.T. basic police academy, which I completed in 2007. I have attended more than 500 hours of investigation-based classes, lectures, and seminars. In addition to my classroom training, I have been involved in over 200 gang/narcotics/firearms-related investigations. In my 14-year career in law enforcement, I have participated in all aspects of criminal investigations, including physical and electronic surveillance,

1 executing search warrants, interviews, and arrests. In addition to my classroom training, this practical
2 experience has formed the basis of my opinions set forth below.

3 5. Based on such training and investigations, as well as discussions with other law
4 enforcement personnel, I have become familiar with the methods used by firearms and narcotics
5 traffickers to distribute, smuggle, safeguard, and store firearms and narcotics. I have also become
6 familiar with various investigative techniques, including surveillance, interviews, and the execution of
7 search and arrest warrants. Throughout my law enforcement career, I have attended trainings and
8 conducted investigations relating to criminal street gangs, violent crimes, firearms, controlled
9 substances, and other areas of law enforcement. I have received training in various means by which
10 persons involved various types of criminal activities use telephones, computers, buildings, storage units,
11 residences, businesses, and other structures to conceal their activities from law enforcement. I have
12 become familiar with the types and amounts of profits made by firearms/drug dealers, the methods,
13 language, and terms that are used. I have received both informal and formal training pertaining to
14 firearms and drug/narcotics investigations.

15 6. In addition to my personal knowledge, this affidavit is based on (1) information I
16 obtained from related investigations; (2) conversations with other law enforcement officers including
17 oral and written investigative reports that I received directly or indirectly from other law enforcement
18 officials; (3) a review of driver's license and automobile registration records; (4) records from various
19 law enforcement databases, including but not limited to the National Law Enforcement
20 Telecommunications System ("NLETS") and the National Crime Information Center ("NCIC"); (5) my
21 training and experience as a police detective and TFO with the ATF and/or; (6) the training and
22 experience of other law enforcement officials with whom I consulted during this investigation and the
23 preparation of this Affidavit.

24 **IV. PROBABLE CAUSE**

25 **A. Initial Identification and Pursuit of Branden and Brian Johnson**

26 7. According to Stockton police reports, on March 4, 2023, Stockton Police Department
27 (SPD) Officers and Detectives began monitoring an Instagram Live video belonging to a known
28

1 Conway Gangster gang member.

2 8. While watching the video, Detective Adrianna Arista, was able to determine the location
3 where the filming occurred. This was an empty lot at 3236 Volney Street, Stockton, California. As
4 Detective Arista watched the video, she observed several subjects she knew, including Brian and
5 Branden Johnson, both of whom were validated Conway Gangsters. During the video Brian Johnson
6 was observed holding to his side what appeared to be an AK-47 type firearm. Johnson was wearing a
7 blue camouflage patterned zip up jacket, and was observed displaying a hand sign for the Conway
8 Gangsters.

9 9. Detectives in unmarked cars and in plain clothes drove to the area where the video was
10 being filmed. When they arrived they observed a group in the street who they recognized as the same
11 people depicted in the Instagram Live video.

12 10. Detective Arista observed a small green sedan on the street. She observed Brian Johnson
13 put the blue camouflage jacket into this car. Moments later the same car was observed leaving the group
14 of people. When the car arrived at the intersection of Michael Avenue/Volney Street, Detective Arista
15 was able to see the car was a Toyota Solara with California license plate 9BNZ818.

16 11. Another SPD detective, Detective Mahnke, began to follow the Solara. She was in an
17 unmarked car and requested a marked SPD unit to respond to conduct a traffic enforcement stop after
18 observing multiple violations of the California Vehicle Code. Detective Mahnke observed the Solara
19 run a stop sign, pass vehicles on the shoulder, speed in a residential neighborhood, and then make an
20 illegal U-turn.

21 12. The Solara began driving west on East Eighth Street. SPD Officer Worley and Nelson
22 were in a marked SPD patrol car and observed the Solara weaving in and out of traffic at a high rate of
23 speed and passing cars on the shoulder.

24 13. Officer Worley was driving the patrol car and Officer Nelson was the passenger. Officer
25 Worley turned on his emergency lights to affect a traffic stop on the Solara. The Solara did not stop and
26 led the officers on a pursuit for approximately one mile and reached speeds over 70 miles per hour. The
27 Solara turned onto a side street and both the driver and passenger doors opened.

B. Firearm Possessed by Branden Johnson

14. Officers Worley and Nelson observed Branden Johnson exit from the passenger door while the car was still in motion. As Branden JOHNSON exited the car a black handgun fell from his person and landed on the ground. Branden JOHNSON tripped and fell as he was fleeing the area of the car. He was then taken into custody.

15. The firearm was recovered and found to be a black Glock model 30SF, .45 caliber handgun, with serial number BYGP534. The firearm was found to have been reported stolen. The firearm was loaded with one round chambered and 8 live rounds within a 10 round capacity magazine.

16. Special Agent (SA) Matthew Garrett of the ATF, who is a firearms interstate nexus expert, reviewed the reports related to the Glock 30 with serial number AFYF143 and based on his knowledge and experience, he determined this firearm was manufactured by Glock in Austria, Slovakia, or the state of Georgia (US). The Glock 30 is a “firearm” as defined in Title 18, United States Code, Chapter 44, Section 921(a)(3), and was not manufactured in the State of California. It was his opinion that if this firearm was received and/or possessed in the State of California, it traveled in or affected interstate and/or foreign commerce.

17. On March 5, 2023, I test-fired the Glock 30 and found it was a functional semi-automatic handgun. Those test fires were then entered into the National Integrated Ballistic Identification Network (NIBIN).

C. Firearm Possessed by Brian Johnson

18. Brian Johnson fled from the driver’s seat of the Solara and into the neighborhood. Officer Nelson observed Brian Johnson holding in his left hand an AK type firearm. Officer Nelson could see a drum magazine attached to the firearm. Brian Johnson fled into the backyard of a residence. SPD Officers then created a perimeter around the block Brian Johnson was seen fleeing into.

19. Detective Mahnke observed Brian Johnson moments later in the yard of a different address. She initially saw him wearing white pants and a black T-shirt. Moments later Detective Mahnke observed Brian Johnson again, but this time he was wearing different clothes. He then discarded the clothes he was wearing earlier into a trash can.

20. With the use of a Police helicopter and K9 unit, Brian Johnson was found hiding in the

backyard of residence in the 1300 block of East Anderson Street. He was taken into custody.

21. SPD Officers canvased the area of Brian Johnson's path of flight. An AK was located along with a 10mm Glock with an "auto-sear" attached to the back of the gun. Detective Mahnke responded back to the trash can where Brian Johnson discarded his clothes. She observed the white pants had a handgun holster attached to them, but a gun was not located in the trash can.

22. A subsequent search of the Solara revealed a 26-round RWB brand magazine for a .45 caliber handgun. The magazine was found on the back passenger floorboard of the Solara. This magazine had 17 rounds of unexpended ammunition.

23. (SA) Matthew Garrett determined based on the written description of a Glock, Model 20, 10mm Caliber Pistol, S/N: BRGH826, this firearm was manufactured by Glock in Austria, Slovakia, or the state of Georgia (US). This was a "firearm" as defined in Title 18, United States Code, Chapter 44, Section 921(a)(3), and was not manufactured in the State of California and that if this firearm was received and/or possessed in the State of California, it traveled in or affected interstate and/or foreign commerce.

24. Furthermore, based on the written description of the Century Arms, Model VSKA, 7.62 Caliber Pistol, S/N: SV7P007624, this firearm was manufactured by Century Arms in Vermont. This was a "firearm" as defined in Title 18, United States Code, Chapter 44, Section 921(a)(3), and was not manufactured in the State of California. It was SA Garrett's opinion that if this firearm was received and/or possessed in the State of California, it traveled in or affected interstate and/or foreign commerce.

25. On March 5, 2023, I test-fired both the 10mm Glock and the VSKA AK. Both firearms were functional. The test fire exemplars were entered into NIBIN.

26. On March 6, 2023, I took the 10mm Glock to the SPD range. There I fired the Glock again and found that it had a full automatic rate of fire.

D. Prior Convictions by Branden Johnson

27. I learned through a criminal history records check that Branden JOHNSON was a previously convicted felon and prohibited from possessing firearms or ammunition. I reviewed Branden JOHNSON's criminal history and confirmed his prior felony convictions included:

- A 2021 felony conviction in San Joaquin County for California Penal Code 25400(c) (6) – Concealed firearm on a person;

28. The aforementioned offense was punishable by imprisonment for more than one year. Branden JOHNSON was sentenced to more than two years imprisonment for the 2021 conviction for carrying a concealed firearm in public

29. JOHNSON was on supervised probation with the San Joaquin County Probation Department at the time of this incident.

30. Therefore, JOHNSON, knew at the time that he possessed the firearm that he had been convicted of an offense punishable by more than one year in prison.

E. Prior Convictions by Brian Johnson

31. I learned through a criminal history records check that Brian JOHNSON was a previously convicted felon and prohibited from possessing firearms or ammunition. I reviewed Brian JOHNSON's criminal history and confirmed his prior felony convictions included:

- A 2022 felony conviction in San Joaquin County for California Penal Code 245 (a) (4) – Assault with a deadly weapon; California Penal Code 25850 (c) (6) - Carry loaded unregistered firearm.

32. The aforementioned offense was punishable by imprisonment for more than one year. Brian JOHNSON was sentenced to more than four years imprisonment for the 2022 conviction for carrying a concealed firearm in public.

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V. CONCLUSION

33. The above facts set forth probable cause to believe that Branden JOHNSON and Brian JOHNSON, each violated Title 18, United States Code, Section 922(g)(1), felon in possession of a firearm. I request that an arrest warrant be issued for Brian JOHNSON and Branden JOHNSON for this violation.

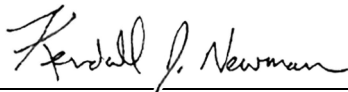
Respectfully submitted,

/s/

Patrick High
Task Force Officer
Bureau of Alcohol, Tobacco, Firearms, and
Explosives

Subscribed and sworn to me
telephonically on:

April ³, 2023



Hon. Kendall J. Newman
U.S. MAGISTRATE JUDGE



Approved as to form by AUSA ROSS PEARSON

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Respectfully submitted,

Patrick A. High

Patrick High
Task Force Officer
Bureau of Alcohol, Tobacco, Firearms, and
Explosives

Subscribed and sworn to me
telephonically on:

April 3, 2023

Kendall J. Newman

Hon. Kendall J. Newman
U.S. MAGISTRATE JUDGE

[Signature]

Approved as to form by AUSA ROSS PEARSON